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**March 13, 2020**

**Via ECF**

Hon. Barbara C. Moses, USMJ  
United States District Court, SDNY  
500 Pearl Street, Courtroom 20A  
New York, NY 10007  
Tel: 212-805-4880

**Re: Smith v. BRP Development Corporation et al**  
**Case No. 19-CV-11794 (MKV)(BCM)**  
**Response to ECF No. 12**

Dear Magistrate-Judge Moses:

My firm represents plaintiff in the above-referenced action, and I respectfully write in response to the Court's March 12, 2020 order. After conferring with defense counsels and further evaluation, Plaintiff is of the view that mediation without the defaulting defendant would not be fruitful at this time. Also, despite our conversations with the Court on March 10, 2020, there was still no counteroffer from the appearing defendants. The parties continue to be very far apart, and the appearing defendants have also raised a significant issue about their ability to pay in any settlement. The best approach is therefore to secure the involvement of the currently defaulting defendant in some way of the other, including through the entry of default if necessary – as that defendant is also liable to the Plaintiff under the FLSA and NYLL.

We thank the Court in advance for its time and consideration.

Yours truly,

Abdul Hassan Law Group, PLLC

/s/ Abdul Hassan  
By: Abdul K. Hassan, Esq. (AH6510)  
*Counsel for Plaintiff*

**Cc: Defense counsels via ECF**